



**REVOCATION OF POWER OF
ATTORNEY WITH NEW
POWER OF ATTORNEY AND
CHANGE OF
CORRESPONDENCE
ADDRESS**

Patent Number	
Issued Date	
First Named Inventor	Jerome D. Johnson
Application No.	09/739,448
Examiner's Name	Natalie Pass
Attorney Docket No.	P65332

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number: **000040401**

Please change the correspondence address for the above-identified application to:

CORRESPONDENCE ADDRESS

Customer Number: **000040401** OR Correspondence address below

Name	HERSHKOVITZ & ASSOCIATES				
Address					
City		State		Zip Code	
Country		Telephone	703-370-4800	Fax	703-370-4809

I am the:

Applicant/Inventor

Assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) appears below.

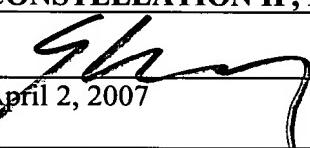
STATEMENT UNDER 37 CFR 3.73(b)(1)(ii) and 37 CFR 3.73(b)(2)(i)

The documentary evidence of a chain of title from the original owner to the assignee in the patent application is recorded in the assignment records of the Office as follows:

- 1) From Jerome D. Johnson, Dale A. Mehr, and Bryan Fisel to Firepond, Inc. at Reel 011752, Frame 0118;
- 2) From Firepond, Inc. to Orion IP, LLC at Reel 015342, Frame 0423;
- 3) From Orion IP, LLC to Caelum IP, LLC at Reel 015063, Frame 0098;
- 4) From Caelum IP, LLC to Constellation IP, LLC at Reel 017164, Frame 0322 and at Reel 017164, Frame 0350.

The person signing below is a person authorized to act on behalf of the Assignee.

Signature of Applicant or Assignee of Record

Name	Erich Spangenberg CONSTELLATION IP, LLC		
Signature			
Date	April 2, 2007	Telephone	

entity status as required by § 1.27(g)(2), the error will be excused upon compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. § 1.28(c), and the deficiency payment requirement of paragraph (c)(2) of this section:

- (1) Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent; and
- (2) The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

37 C.F.R. § 1.28(c) also states that:

(i) The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity.

(ii) An itemization of the total deficiency payment is required.

The itemization must include the following information:

- (A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (B) The small entity fee actually paid, and when;
- (C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The present patent application became subject to a license agreement to a large entity on January 28, 1994. The filing fee and other fees during prosecution were inadvertently paid in a small entity amount. During a review of the file history of the present application which was recently transferred to the Firm of the undersigned, it was discovered that a payment of the filing fee and other prosecution fees were made inadvertently in a small entity amount.

According to the requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. § 1.28(c), the Applicant submits the following:

- (1) This paper is submitted herein specifically for U.S. Patent Application No. 09/739,448 and is limited to the deficiency payment for this patent.
- (2) The required payment of deficiency owed of \$1,925 as set forth in 37 C.F.R. § 1.28(c) is enclosed herewith.

Accordingly, the Applicant provides the calculation of the deficiency owed according to paragraph (i) and the itemization of deficiency payment according to paragraphs (ii)(A)-(D) as follows:

- (A) Type of fee that that was erroneously paid as a small entity along with the current fee amount for a non-small entity:
 - (i) Extension of Time for Response within Three Months: \$1,020 (Fee

Code 1253);

- (ii) Extension of Time for Response within Three Months: \$1,020 (Fee Code 1253);
- (iii) Request for Continued Examination: \$790 (Fee code 1801);
- (iv) Extra Claims: \$1,100 (Fee code 1202); and
- (v) Extension of Time for Response within Three Months: \$1,020 (Fee Code 1253).

(B) The small entity fee actually paid and when:

- (i) Extension of Time for Response within Three Months: \$510 paid on October 23, 2006;
- (ii) Extension of Time for Response within Three Months: \$510 paid on April 7, 2006;
- (iii) Request for Continued Examination: \$395 paid on April 7, 2006;
- (iv) Extra Claims: \$550 paid on June 15, 2005; and
- (v) Extension of Time for Response within Three Months: \$510 paid on June 15, 2005.

(C) The deficiency owed amount for fee erroneously paid:

- (i) Extension of Time for Response within Three Months: \$510 (\$1,020 - \$510);
- (ii) Extension of Time for Response within Three Months: \$510 (\$1,020 - \$510);
- (iii) Request for Continued Examination: \$395 (\$790 - \$395);
- (iv) Extra Claims: \$550 (\$1,100 - \$550); and

- (v) Extension of Time for Response within Three Months: \$510 (\$1,020 -\$510).
- (D) The total deficiency payment owed: \$1,925 (\$510 + \$510 + \$395 + \$550 + \$510 - \$550). Please note that \$550 was deducted from the deficiency due to an incorrect charge by PTO on April 7, 2006 of \$550).

Payment in the amount of \$1,925 is enclosed. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 50-2929.

Should the Deciding Official have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
Jerome D. Johnson et al.



Abraham Hershkovitz
Reg. No. 45,294

April 16, 2007
HERSHKOVITZ & ASSOCIATES
2845 Duke Street
Alexandria, VA 22314
TEL: (703) 370-4800
FAX: (703) 370-4809
patent@hershkovitz.net